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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 09/680,168  | 10/05/2000  | Rajeev Shorey        | JP920000260US1              | 8095             |
| 7590 09/15/2004   |             |                      |                             |                  |
| McGinn & Gibb, PLLC<br>2568-A Riva Road<br>Suite 304<br>Annapolis, MD 21401 |             |                      | EXAMINER<br>RYMAN, DANIEL J |                  |
|   |             |                      | ART UNIT<br>2665            | PAPER NUMBER     |

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,168

Applicant(s)

SHOREY ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered (see page 22, line 20-page 24, line 10).

### ***Drawings***

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it uses legal phraseology.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: on page 3, line 24 KAL should be defined before it is used in the specification. On page 3, line 25 the acronym HOL should be defined before it is used in the specification. On page 4, line 2 BHA should be defined before it is used in the specification. On page 8, line 24 the acronym AFP should be defined before it is used in the specification. On page 9, line 23 the acronym SAR-OSU should be defined before it is used in the specification. On page 15, lines 5-6 the acronym LMP should be defined before it is used in the specification.

Appropriate correction is required.

6. Examiner requests that Applicant update the application information seen on page 4, lines 4-5 in order to have the application information reflect any changes in the status of the application.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 10, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claims 5, 10, and 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purposes of prior art rejections, Examiner will disregard the phrase beginning with "such as".

10. Claim 12 recites the limitation "each L2CAP" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim. For the purposes of prior art rejections, Examiner will interpret "L2CAP" to be "link layer".

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 5, 6, 10, 11, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al (USPN 6,480,505).

13. Regarding claims 1, 6, and 11, Johansson discloses a computer implemented method and system for transferring data over a master driven TDD/TDMA based wireless network (col. 2, lines 18-48) characterized in that it operates with minimum delay in end-to-end transmission by including the steps of and means for: achieving optimum time slot utilization by minimizing the number of baseband packets created for each Link layer packet, each baseband packet being of a size corresponding to one of a permitted set of capacities 'C1, C2, ... ..Cn' (col. 2, lines 36-38; col. 2, line 64-col. 3, line 2; and col. 8, lines 15-18), and maintaining optimum sharing of bandwidth, higher link utilization and low baseband packet transmission queue occupancy by adaptive scheduling of the transmission of said baseband packets in said queues (col. 7, lines 14-53 and col. 8, lines 19-53).

14. Regarding claims 5, 10, and 15, referring to claims 1, 6, and 11, Johansson discloses increasing the transmission polling interval for a baseband packet transmission queue with low packet traffic (col. 6, lines 26-39; col. 7, lines 40-53; and col. 9, lines 24-37).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 4, 7, 9, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson et al (USPN 6,480,505).

17. Regarding claims 2, 7, and 12, referring to claims 1, 6, and 11, Johansson does not expressly disclose that minimizing the number of baseband packets created for each Link layer packet is an SAR-OSU algorithm comprising converting said link layer packet into as many baseband packets of highest capacity 'Cn' as possible and repeating the conversion process on the unconverted bytes using each successive lower capacity baseband packet size until all the unconverted bytes have been converted into baseband packets; however, Johansson does disclose that that each link layer packet is broken into variable size baseband packets and repeating the conversion process on the unconverted bytes until all the unconverted bytes have been converted into baseband packets (col. 2, lines 36-38; col. 2, line 64-col. 3, line 2; and col. 8, lines 15-18). Johansson also discloses controlling bandwidth utilization by controlling the baseband packet size (col. 2, line 64-col. 3, line 2). Johansson further discloses that "tradeoffs between packet size and packet overhead along with other link requirements may need to be considered to find

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optimal utilization and throughput” (col. 4, lines 23-33). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to minimize the number of baseband packets created for each Link layer packet is an SAR-OSU algorithm by converting said link layer packet into as many baseband packets of highest capacity ‘Cn’ as possible and repeating the conversion process on the unconverted bytes using each successive lower capacity baseband packet size until all the unconverted bytes have been converted into baseband packets in order to achieve high bandwidth utilization by minimizing the overhead for the system.

18. Regarding claims 4, 9, and 14, referring to claims 1, 6, and 11, Johansson does not expressly disclose that adaptive scheduling of transmission is an ‘AFP’ algorithm whereby a baseband packet transmission queue with a size greater than a defined threshold is continuously polled for a defined number of transmissions as long as its size remains greater than said defined threshold; however, Johansson does disclose that the adaptive scheduling checks to see if a transmission parameter is greater than a threshold in order to allow certain nodes to have additional polling time (additional bandwidth) (col. 6, lines 6-25 and col. 10, lines 1-25). Johansson also discloses that delay in the system should be compensated for to ensure that devices are within the requires time limits (col. 4, line 64-col. 5, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the adaptive scheduling of transmission be an ‘AFP’ algorithm whereby a baseband packet transmission queue with a size greater than a defined threshold is continuously polled for a defined number of transmissions as long as its size remains greater than said defined threshold in order to ensure that nodes with strict delay requirements that will not meet the delay requirements are given additional bandwidth so that the delay requirements can be met.

19. Claims 3, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson et al (USPN 6,480,505) as applied to claims 1, 6, and 11 above, and further in view of Applicant's admitted prior art.

20. Regarding claims 3, 8, and 13, referring to claims 1, 6, and 11, Johansson discloses that master driven TDD/TDMA based wireless network is a Bluetooth network (col. 2, lines 18-48). Johansson does not expressly disclose that link layer packet is L2CAP packet. Applicant admits as prior art that L2CAP are well known packets in the Bluetooth specification. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the link layer packets be L2CAP packets since L2CAP packets are well known in the Bluetooth specification.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman  
Examiner  
Art Unit 2665

DTZ

Daniel J. Ryman



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